

Apr 03, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DESIRAE C.,¹

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security,

Defendant.

No. 4:19-CV-5184-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

On April 2, 2020, the parties filed a Stipulated Motion for Remand. ECF No.

14. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings before an administrative law judge (ALJ) for a de novo hearing and a new decision as to Plaintiff Desirae C.'s application for supplemental security income payments under Title XVI of the Social Security Act. As part of this de novo hearing on remand, the ALJ is to reevaluate the

¹ To protect the privacy of the social-security Plaintiff, the Court refers to her by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

1 medical evidence, including the opinions of Dr. Marks and Dr. Opara, and explain
2 the weight given to each opinion; reassess Plaintiff's testimony and the lay
3 witness evidence; and reevaluate Plaintiff's residual functional capacity. The
4 parties also agree that Plaintiff is entitled to reasonable attorney fees and costs
5 under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to
6 the Court.
7

8 Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

- 9 1. The parties' Stipulated Motion for Remand, **ECF No. 14**, is
10 **GRANTED.**
- 11 2. Judgment shall be entered for **Plaintiff.**
- 12 3. This matter is **REVERSED** and **REMANDED** to the Commissioner
13 of Social Security for further administrative proceedings pursuant to
14 sentence four of 42 U.S.C. § 405(g). On remand, the ALJ is to conduct
15 a de novo hearing, including, reconsidering the medical evidence
16 (including Dr. Marks' and Dr. Opara's opinions), reevaluating
17 Plaintiff's symptom reports and lay witness evidence, and reassessing
18 Plaintiff's residual functional capacity, and then issue a new decision
19 as to Plaintiff's application.
20
- 21 4. All pending motions are **DENIED AS MOOT.**
- 22 5. All hearings and other deadlines are **STRICKEN.**
- 23 6. If filed, the Court will consider Plaintiff's motion for fees and
24 expenses under the Equal Access to Justice Act.
25
26

7. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 3rd day of April 2020.

s/Edward F. Shea
EDWARD F. SHEA
Senior United States District Judge